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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/740,993	SHIOZAWA, KENICHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael J. Moore, Jr.	2666	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/15/2005.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/3/2005 has been entered.

***Allowable Subject Matter***

2. Claims **1-11** are allowed.

3. The following is an examiner's statement of reasons for allowance:

Regarding *amended* claim 1, Haskin et al. (U.S. 6,813,242) teaches a fast alternate-path automatic rerouting method that makes use of a primary path and an alternative path.

Haskin et al. also teaches that upon a path failure, data packets on the failing primary path are redirected in reverse direction back to the source ingress switch where the data packets are then forwarded along the secondary path as shown in Figure 2 and spoken of on column 2, lines 43-50.

Haskin et al. as well as the other prior art of record fails to teach where upon a failure in the primary path, a determination is made as to which packets are to be protected and then only sending these particular packets back to the source ingress switch to be forwarded on the secondary path rather than sending all affected packets.

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Regarding claims **2-4**, these claims are further limiting to *amended* claim **1** and are thus also allowable over the prior art of record.

Regarding *amended* claim **5**, Haskin et al. (U.S. 6,813,242) teaches a fast alternate-path automatic rerouting method that makes use of a primary path and an alternative path.

Haskin et al. also teaches that upon a path failure, data packets on the failing primary path are redirected in reverse direction back to the source ingress switch where the data packets are then forwarded along the secondary path as shown in Figure 2 and spoken of on column 2, lines 43-50.

Cao et al. (U.S. 6,721,269) teaches a protection switching method where a plurality of source/destination paths are established through a network management system as spoken of on column 2, lines 27-37.

Haskin et al. as well as the other prior art of record fails to teach where upon a failure in the primary path, a determination is made as to which packets are to be protected and then only sending these particular packets back to the source ingress switch to be forwarded on the secondary path rather than sending all affected packets.

Regarding claims **6 and 7**, these claims are further limiting to *amended* claim **5** and are thus also allowable over the prior art of record.

Regarding *amended* claim **8**, Haskin et al. (U.S. 6,813,242) teaches a fast alternate-path automatic rerouting method that makes use of a primary path and an alternative path.

Haskin et al. also teaches that upon a path failure, data packets on the failing primary path are redirected in reverse direction back to the source ingress switch where the data packets are then forwarded along the secondary path as shown in Figure 2 and spoken of on column 2, lines 43-50.

Cao et al. (U.S. 6,721,269) teaches a protection switching method where a plurality of source/destination paths are established through a network management system as spoken of on column 2, lines 27-37.

Haskin et al. as well as the other prior art of record fails to teach where upon a failure in the primary path, a determination is made as to which packets are to be protected and then only sending these particular packets back to the source ingress switch to be forwarded on the secondary path rather than sending all affected packets.

Regarding claims **9 and 10**, these claims are further limiting to *amended* claim **8** and are thus also allowable over the prior art of record.

Regarding *amended* claim **11**, Haskin et al. (U.S. 6,813,242) teaches a fast alternate-path automatic rerouting method that makes use of a primary path and an alternative path.

Haskin et al. also teaches that upon a path failure, data packets on the failing primary path are redirected in reverse direction back to the source ingress switch where the data packets are then forwarded along the secondary path as shown in Figure 2 and spoken of on column 2, lines 43-50.

Cao et al. (U.S. 6,721,269) teaches a protection switching method where a plurality of source/destination paths are established through a network management system as spoken of on column 2, lines 27-37.

Haskin et al. as well as the other prior art of record fails to teach where upon a failure in the primary path, a determination is made as to which packets are to be protected and then only sending these particular packets back to the source ingress switch to be forwarded on the secondary path rather than sending all affected packets.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Atterton et al. (U.S. 6,925,054) as well as Peterson et al. (U.S. 6,154,448) are other references considered pertinent to this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached at (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael J. Moore, Jr.  
Examiner  
Art Unit 2666

mjm MM

*Seema S. Rao*  
SEEMA S. RAO 11/30/06  
SUPERVISORY PATENT EXAMINER  
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